

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KIRK JOHNSTON,

Plaintiff,

v.

CHAD KROEGER, et al.,

Defendants.

§
§
§
§
§
§
§
§

1:20-CV-497-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendant Chad Kroeger, et al.'s ("Defendants") Motion for Summary Judgment, (Dkt. 59), and Plaintiff's Motion for Partial Summary Judgment, (Dkt. 58). (R. & R., Dkt. 67). Plaintiff timely objected to the report and Defendants responded. (Obj., Dkt. 69, Resp., Dkt. 70).¹

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 67), is **ADOPTED**.

¹ Defendants also filed a limited objection in the alternative, requesting the Court reconsider Judge Hightower's ruling on their objections to Plaintiff's evidence. As the Court adopts the report and recommendation, it need not rule on this objection.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment, (Dkt. 59), is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's motion for partial summary judgment, (Dkt. 58), is **DENIED as moot**.

IT IS FINALLY ORDERED that Plaintiff's claims are **DISMISSED with prejudice**.

The Court will enter final judgment by separate order.

SIGNED on March 16, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE